IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC Plaintiff, v. CEMEX PUERTO RICO; CANOPY ECOTERRA CORP, Defendants.	Civil No. 07-01658-JAF Breach of contract; collection of moneys; damages. Jury trial demanded.

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE COURT:

COMES NOW Defendant **CEMEX PUERTO RICO** (hereinafter, "CEMEX") and through the undersigning attorneys, respectfully **states** and **prays**:

1. On September 24, 2007 this Honorable Court granted defendant's motion for extension of time to Answer Complaint or otherwise plead. Docket ("Doc.") 33. The Court ordered defendant to Answer Complaint by tomorrow, September 28, 2007.

2. Due to recent events involving Plaintiff, CEMEX is currently gathering evidence to determine whether a counterclaim under Fed. R. Civ. Proc. R. 13(a) is warranted. Since a counterclaim could be waived if not included in defendant's Answer, Defendant respectfully moves this Honorable Court to grant an eight-day extension of time. Defendant should be able to finalize its investigations into recent events, determine whether a counterclaim

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or a cross-claim is necessary, and file the corresponding pleading by October 10, 2007.

3. The requested extension of time is short and reasonable. It is requested in good faith, as an attempt to finalize all factual investigations and clarify all controversies between the parties, in order to expedite discovery once it has begun and to avoid any requests for leave to assert a counterclaim by amendment. Moreover, CEMEX has made multiple efforts to advance the ongoing litigation, such as requesting the FRCP 26(f) conference, which the parties have scheduled.

WHEREFORE, defendant **CEMEX de Puerto Rico, Inc.** respectfully requests this Honorable Court **GRANT** the 8-day extension of time herein requested.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that today I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all counsel of record.

In San Juan, Puerto Rico, this 27th day of September 2007.

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